

State of California
CALIFORNIA HORSE RACING BOARD

OFFICIAL RULING

of the
Board of Stewards

Los Angeles Turf Club, Inc.
(Association)

April 13, 2006
(Date)

LATS #131

Acting upon a report from the University of California, Davis Laboratories, an official testing laboratory for the California Horse Racing Board, that urine sample #N15163, obtained from the horse DYNA DA WYNA, the first place finisher in the sixth race on January 26, 2003, at Santa Anita Park, contained the prohibited drug Hydroxyzine/Cetirizine, a class three substance, it is therefore ordered that DYNA DA WYNA be disqualified from all purse monies earned in said race, in accordance with California Horse Racing Board rule #1859.5 (Disqualification Upon Positive Test Finding).

It is further ordered that the owner of DYNA DA WYNA, ALAN KLEIN (DBS Ellenay Racing, Inc.), jockey VICTOR ESPINOZA, and trainer MICHAEL MACHOWSKY return purse monies to the Paymaster of Purses at Santa Anita Race Track for redistribution in accordance with California Horse Racing Board rule #1760 (Purse Award or Prize to be Withheld).

REVISED ORDER OF FINISH

1st - QUERO QUERO
2nd - BRUHERIA
3rd - J'S CRAFTY CAT
4th - GOLDEN PENNY
5th - BOLD GYPSY

All records shall be changed to reflect this ruling. In accordance with California Horse Racing Board Rule #1956 (Race Declared Official), the pari-mutuel payoffs for this race are not affected.

Case No. SAC 06-0020

BY ORDER OF THE
BOARD OF STEWARDS

Steward C. Scott Chaney Dissent

With respect to LATS Ruling #131, redistributing the purse for the sixth race on January 26, 2003 on the finding of a post race medication, I dissent. While I have no reason to doubt the veracity of the report of the positive from the laboratory and the rules are clear that this is the type of positive that must result in a disqualification and redistribution, I do not believe that the Board of Stewards is the appropriate body to undertake said action. Neither this Board of Stewards, nor any Board of Stewards has taken any evidence or held a hearing regarding this matter, and therefore should not be directed to disqualify and redistribute the purse. The California Horse Racing Board adopted an Administrative Law Judge's opinion with respect to a penalty for Mr. Machowsky, and to my knowledge is the body that is either privy to or has accepted evidence in this case. Therefore, while necessary, this order is more appropriately issued by the California Horse Racing Board rather than a Board of Stewards.

C. Scott Chaney, Steward